

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-HC-2013-BO

UNITED STATES OF AMERICA,

Petitioner,

v.

SEAN ROBERT FRANCIS,

Respondent.

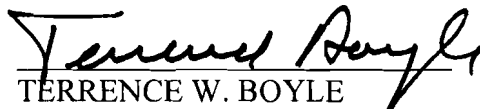
ORDER

On November 17, 2010, Sean Robert Francis (“Francis” or “respondent”) filed his first motion to dismiss [D.E. 15] the government’s petition for his commitment pursuant to 18 U.S.C. § 4248, relying on the arguments made in United States v. Comstock, No. 5:06-HC-2195-BR (E.D.N.C.) [D.E. 12, 19]. The Fourth Circuit’s decision in United States v. Comstock, 627 F.3d 513 (4th Cir. 2010), controls the issues presented in respondent’s first motion to dismiss.

On November 24, 2010, Francis filed a renewed motion to dismiss [D.E. 19], relying on this court’s decision in United States v. Broncheau, 759 F. Supp. 2d 682 (E.D.N.C. 2010). The Fourth Circuit overturned this decision. United States v. Broncheau, 645 F.3d 676 (4th Cir. 2011). Therefore, respondent’s renewed motion to dismiss is without merit.

Accordingly, respondent’s motions to dismiss [D.E. 15, 19] are DENIED

SO ORDERED. This ~~22~~ day of September 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE